

## **EXECUTIVE ORDER 2007- 21**

### **Contracting With Small, Women- and Minority-Owned Businesses** *(Supersedes Executive Orders 2000-04, 2003-09, 2004-29)*

**WHEREAS**, Executive Orders 2000-04 and 2003-09 set forth Executive Branch policies relating to the solicitation and award of contracts of less than \$25,000 to women and minority owned businesses; and

**WHEREAS**, Executive Order 2004-29 sets forth Executive Branch policies relating to the solicitation and award of contracts of less than \$50,000 to women- and minority-owned businesses, and defines reporting and education requirements for Executive Branch Agencies; and

**WHEREAS**, Arizona Revised Statutes § 41-2535 as amended restricts, where practicable, procurements of less than \$50,000 to small businesses; and

**WHEREAS**, Arizona Revised Statutes § 41-2535, and Administrative Rule R2-7-D303, (2) requires the rotation of small suppliers invited to submit quotations and that at least one small, women- or minority-owned business enterprise shall be invited to submit a quote; and

**WHEREAS**, census data indicate that women- and minority-owned businesses comprise approximately 40 percent of all small businesses in the State of Arizona; and

**WHEREAS**, ensuring the inclusion of small, women- and minority-owned businesses in the state procurement process constitutes good public policy and increases the economic productivity and profitability of Arizona state businesses;

**NOW, THEREFORE**, I Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and the laws of this State, hereby order and direct as follows:

1. All Executive Branch agencies shall rotate suppliers, regularly solicit new suppliers, and where practicable, shall request at least one quotation from a small, women- or minority-owned business capable of competent performance of the procurement requirements when soliciting procurements of \$50,000 or less.
2. All Executive Branch agency heads and staff performing purchasing and procurement functions shall educate their employees about this Executive Order by, among other things, incorporating the existence, meaning and purpose of this Executive Order into all relevant training procedures and manuals.
3. Executive Branch agencies are directed to foster market competition in state contracting by, among other things, establishing contract terms to encourage opportunities, evaluating, whenever feasible, the products or services available from small businesses and small, women- and minority-owned businesses, promoting the use of small businesses and small, women- and minority-owned businesses, including their use as subcontractors and suppliers.


4. All Executive Branch agencies shall track and report quotations, solicitations, and awards greater than \$5,000 and, if practicable, greater than \$1000. Reports for each fiscal year shall be submitted by electronic mail to the Department of Administration, State Procurement Administrator on or before August 31 of the ensuing fiscal year, beginning August 31, 2008. The report shall be submitted in the format disseminated by the Department of Administration.
5. All Executive Branch agency heads shall review the participation levels achieved by their agencies at the conclusion of each fiscal year, and as part of the aforementioned August 31 report, shall make recommendations to the Department of Administration on how to increase their agency's participation, where practicable. If no such participation is reported, the Executive Branch agency head shall articulate specific reasons for the lack of participation and, where appropriate, submit a comprehensive plan, including a timeline, for improvement.
6. The Department of Administration shall aggregate the individual agency reports and provide a report to the Governor's Office by September 30 of the ensuing fiscal year, beginning September 30, 2008. The report shall provide comparison data from the three previous fiscal years, along with proposed program activities and a plan for implementation for the upcoming fiscal year.
7. The Department of Administration shall promptly take all steps reasonably necessary to comply with the intent and requirements of this Executive Order, including, but not limited to, monitoring the extent to which solicitation responses and awards promote market competition through their inclusion of small businesses and small, women- and minority-owned businesses.
8. All Constitutional Officers and independent state entities that are part of the Executive Branch along with all political subdivisions and others to whom this Executive Order may not explicitly apply are encouraged to comply with the intent and the requirements of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

  
GOVERNOR

DONE at the Capitol in Phoenix on this 17<sup>th</sup> day of August in the Year Two Thousand and Seven and of the Independence of the United States of America the Two Hundred and Thirty-Second.

ATTEST:

  
SECRETARY OF STATE

